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**DUGOUT CANYON MINE**

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Task 0550

Hearing
9/6/07/CC39**FACSIMILE TRANSMITTAL**

DATE:

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TO:

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COMPANY:

UDOGM

FROM:

Vicky Miller

REMARKS:

Changes to Chapter 3 + 4

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Refuse Pile Amendment
June/August 2006-February 2005

CHAPTER 3

BIOLOGY

310 INTRODUCTION

This chapter presents a description of the biological resources found in the Dugout Canyon Refuse Pile and adjacent areas. Biological resource information for the soil borrow area will be provided as outlined in the R645-301-300 regulations, should the borrow area be required for reclamation of the refuse pile site.

311 Vegetative, Fish and Wildlife Resources

Vegetative, fish, and wildlife resource conditions in and adjacent to the proposed Dugout Canyon Mine are discussed in Section 320 of this submittal and the approved M&RP.

312 Potential Impact to Vegetative, Fish and Wildlife Resources

Potential impacts to vegetative, fish, and wildlife resources and the associated mitigation plan are presented in Sections 330 and 340 of this chapter.

313 Description of Reclamation Plan

The reclamation plan used to restore the vegetative, fish and wildlife resources to a condition suitable for the postmining land use is presented in Section 340.

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320 ENVIRONMENTAL DESCRIPTION

321 Vegetation Information

This section contains the environmental descriptions of the vegetation for the refuse pile and adjacent areas.

The vegetation information for the soil borrow area will be provided as outlined in the R645-301-300 regulations. Vegetation description, reference area delineation and description, and production estimates of the soil borrow area will be provided a year prior to its disturbance, should the borrow area be required for reclamation of the refuse pile site.

321.100 Plant Communities Within the Proposed Permit Area

The site proposed for the refuse pile had been previously disturbed for the excavation of gravel. Most recently the gravel from the pit was used in the construction of the "Carbon County" Dugout Canyon Road (1998 - 1999). During May of 1998, the area designated for the refuse pile site construction was surveyed by Patricia Johnston and George S. Cook and determined to be a Black sagebrush/galleta grass and Pinyon - Juniper, semi-desert shallow loam site. George S. Cook of the NRCS surveyed the conditions and production of the area; his finding is defined in Section 321.200. The report and survey for the area are included in RA Attachment 3-1.

Vegetation communities of the permit area are discussed in the approved M&RP with the exception of the Sagebrush - Grass which is discussed below. Vegetation communities adjacent to the refuse pile site are shown on RA Figure 3-1. Photographs of the Refuse Pile area prior to the 1998 gravel mining are included in RA Attachment 3-1.

The grasses in the community include Salina wildrye and galleta grass. The dominant forb was buckwheat (*Eriogonum*).

Sagebrush - Grass

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conditions. The production number for the reference area was not reevaluated during the 2002 survey and the quantities will remain as inventoried in 1998.

322 Fish and Wildlife Information

A summary of the fish and wildlife resource information for the permit and adjacent areas is contained in Sections 322.100 through 322.300 of the approved M&RP. There are no water sources within the refuse pile permitted area to support fish.

The fish and wildlife information for the soil borrow area will be provided as required by the R645-301-300 regulations. Wildlife occurrence and habitat description of the soil borrow area will be provided a year prior to its disturbance, should the borrow area be required for reclamation of the refuse pile site.

322.100 Level of Detail

The scope and level of detail within the approved M&RP are sufficient to design the protection and enhancement plan for wildlife and fish in the area. There are no water sources within the refuse pile permitted area to support fish.

322.200 Site-specific Resource Information

Eight permanent experimental and four permanent control wildlife transects were established in the permit and adjacent areas by UDWR in December 1979 (Appendix 3-2 of the approved M&RP). During 1995 - 1996 an environment assessment (EA) for a Carbon County Road Right-of-Way UTU-73293 was prepared by Environmental Industrial Services for the BLM. The road right-of-way borders the refuse pile site and the studies associated with the EA included land within 0.5 miles of the right-of-way, which included the refuse pile site.

Raptors. Raptor nest surveys were done in the general area by the UDWR 1995, 1997, 1998, and 1999. The 2002 survey included the area of the refuse pile site, no nests were found within the flight path. Refer to the 2002 Raptor Survey Dugout Canyon flight map (RA Attachment 3-2).

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323 Maps and Aerial Photographs

Maps are contained within the approved M&RP and this application. Information associated with the borrow area will be added to the appropriate drawings and figures should the borrow area be required for reclamation of the refuse pile.

323.100 Location and Boundary of Proposed Reference Area

A reference area has been designated for the refuse pile site, refer to RA Figure 3-1. Reference area location information for the borrow area will be added to RA Figure 3-1 and 3-1E, should the borrow area be required for reclamation of the refuse pile site.

323.200 Elevations and Locations of Monitoring Stations

Refer to the approved M&RP.

323.300 Facilities for Protection and Enhancement

Sections 333.300 and 358.500 of the approved M&RP contain additional discussion pertaining to protective measures to be taken by CFC in behalf of wildlife. CFC plans to enhance the site by seeding a previously disturbed gravel pit site, meeting a success standard associated with an undisturbed reference area and seedlings will be planted in addition to the seed mix.

323.400 Vegetation Type and Plant Communities

Vegetative types and plant communities are outlined on RA Figure 3-2 of this application and on Plates 3-1, 3-1A, 3-1B of the approved M&RP. RA Figure 3-2 shows vegetation types of the surrounding permit area and the area disturbed from the excavation of gravel (refer to fuchsia hatched lines). This

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333.200 Species and Habitats

All species and habitats within the permit area will be protected to the best of CFC's ability.

333.300 Protective Measures

Refer to the approved M&RP.

340 RECLAMATION PLAN

See the approved M&RP reclamation plan for additional discussion as specified in this amendment.

341 Revegetation

The short-term goal of this revegetation plan is the immediate stabilization of the disturbed sites through erosion control. This objective will be achieved through controlled grading practices, proper seedbed preparation to encourage rapid plant establishment, inclusion of rapidly establishing species in the seed mixture to be planted, and mulch application.

The long-term goals are to establish useful, productive range and wildlife habitat. These goals will be attained through the selection and placement of desirable and productive plant species, and a commitment to monitor and maintain revegetated areas throughout the bond liability period.

The revegetation information for the soil borrow area will be provided one year prior to disturbance as outlined in the R645-301-300 regulations, should the borrow area be required for reclamation of the refuse pile site.

341.100 Schedule and Timetable

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Cropland is not a postmining land use.

342.400 Residential, Public Service and Industrial Land Use

No residential, industrial or public service use is planned at the present time.

350 PERFORMANCE STANDARDS

351 General Requirements

CFC commits to conduct all operations in accordance with the plans submitted in Sections R645-301-330 through R645-301-340 of the permit application, including the soil borrow area, should the borrow area be required for reclamation of the refuse pile site.

352 Contemporaneous Reclamation

Reclamation activities prior to final reclamation will, to the extent feasible, be performed contemporaneously with refuse storage operations. Two general areas will be contemporaneously reclaimed. These are the soil stockpile and outslope of the refuse pile, once it reaches final configuration. The soil storage area will receive interim seeding following the completion of soil stockpiling. The pile outslope will be covered with soil and seeded with the final vegetation seed mix.

A portion of the refuse pile will receive contemporaneous reclamation, the purpose will be to provide justification for the reduction of cover necessary to comply with regulation R645-301-553.252.

353 Revegetation: General Requirements

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CHAPTER 4 LAND USE

410 LAND USE

411 Environmental Description

A statement of the conditions and capabilities of the land to be affected by mining and reclamation operations follows in this section.

Should the borrow area be mined for topsoil to reclaim the refuse pile, the R645-301-400 regulations will be addressed one year prior to disturbance.

411.100 Premining Land Use

Nielson Construction used the refuse pile site as a gravel pit during the construction of the Carbon County Dugout Canyon Road (1998 - 1999). In preceding years the area has been utilized as open range for livestock (being bordered on two sides by a BLM grazing allotment) and as wildlife habitat.

411.110 Land Use Map and Narrative

The land use map would have limited information, due to the size of the site and since the storage area is adjacent to the Dugout Canyon County Road, lands under the jurisdiction of the BLM, and lands owned by Canyon Fuel Company, LLC RA Figure 4-1 provides the necessary information and outlines the Soldier Canyon Grazing Allotment.

411.120 Land Capability

The major plant communities in the area are identified in Section 321. No cultivated lands lie within

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